

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JOSEPH GERHART, *et al.***

**PLAINTIFFS**

**vs.**

**CIVIL ACTION NO.: 3:11-CV-586-HTW-LRA**

**RANKIN COUNTY, *et al.***

**DEFENDANTS**

**ORDER MOOTING MOTIONS**

BEFORE THIS COURT are the following motions: defendants' Emergency Motion for Continuance [**Docket no. 228**]; and plaintiffs' Motion to Amend Record on Appeal [**Docket no. 245**]. For the reasons stated below, this court is persuaded that both motions are **MOOT**.

Defendants, by their Emergency Motion for Continuance [**Docket no. 228**] ask this court to continue the trial setting for January 23, 2017. This court had already reset the trial setting for January 23, 2017 and the jury trial in this matter is currently set for September 4, 2018 at 9:00 a.m..

Plaintiffs, by their Motion to Amend Record on Appeal [**Docket no. 245**], have asked this court to amend the records on interlocutory appeals before the United States Fifth Circuit Court of Appeals in case numbers 17-60287 and 17-60331. The Fifth Circuit Court of Appeals has announced its opinion in both cases. *See* [Docket nos. 246 and 249].

IT IS, THEREFORE, ORDERED that defendants' Emergency Motion for Continuance [**Docket no. 228**] is **MOOT** and **DENIED AS SUCH**.

IT IS FURTHER ORDERED that plaintiffs' Motion to Amend Record on Appeal [**Docket no. 245**] is **MOOT** and **DENIED AS SUCH**.

SO ORDERED this the 21<sup>st</sup> day of August, 2018.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT COURT JUDGE